

**EXHIBIT (A)****FEDERAL PUBLIC DEFENDER  
DISTRICT OF SOUTH CAROLINA**

**Parks N. Small**  
Federal Public Defender

BB&T Bank Building  
1901 Assembly Street, Suite 200  
Columbia, S.C. 29201  
Tel: (803) 765-5070  
Fax: (803) 765-5084

145 King Street, Suite 325  
P.O. Box 876  
Charleston, S.C. 29402  
Tel: (843) 727-4148  
Fax: (843) 727-4179

501 McBee Building, Suite 202  
501 East McBee Avenue  
Greenville, S.C. 29601  
Tel: (864) 235-8714  
Fax: (864) 233-0188

McMillan Federal Building  
401 West Evans Street, Suite 221  
P.O. Box 1873  
Florence, S.C. 29503-1873  
Tel: (843) 662-1510  
Fax: (843) 667-1355

Reply to: Columbia

August 2, 2010

**Attorney-Client Correspondence**

**Open only in the presence of  
the inmate. Special Mail.**

Mr. Zhivago Robinson  
Reg. No. 16517-171  
c/o FCI Beaumont Medium  
P.O. Box 26040  
Beaumont, TX 77720

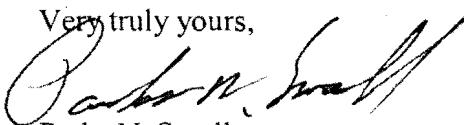
Re: United States v. Zhivago Robinson  
Cr. No. 0:08-401; Appeal Number: 09-4425

Dear Mr. Robinson:

In light of Mr. Long's medical absence from the office, I will answer your inquiry about your prior conviction of record that you sent me. If I read your letter correctly, you are under the impression that the 2000 conviction for possession of crack should not count as a career offender case under §4B1.1 of the sentencing guidelines. The case docket number is GS-46-1701, York County, South Carolina. The docket you sent me shows you did plea guilty to a lesser offense, possession of crack cocaine, not possession with intent which was the charge in the indictment. However, that is not the conviction which causes you to qualify as a career offender. That case is GS-46-1700, from York County and charges Distribution of Crack Cocaine within Proximity of a Park. The presentence record shows you pled guilty to that charge, and it was run concurrent with your plea in GS-46-1701.

You may have been confused and thought you only pled to one charge, but the distribution charge would qualify under the guidelines as a "controlled substance offense" for purposes of career offender. I hope this helps. Please do not hesitate to write if you have any further questions.

Very truly yours,



Parks N. Small  
Federal Public Defender

PNS:kse